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09/656,953	09/07/2000	Tomohiro Mizuno	11103-019001	1964

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EXAMINER

NGUYEN, DZUNG C

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/656,953

Applicant(s)

Mizuno et al

Examiner

Dzung Nguyen

Art Unit

2652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Sep 7, 2000

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 2 is/are rejected.

7) Claim(s) 3 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) Other: _____

DETAILED ACTION

1. Claims 1-3 are presented for examination.

Claim Rejections - 35 USC § 112

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recite the limitation "as to rock on rocking fulcrum" in line 3, claim 8; it is unclear as to how the disk playing means supporting mechanism supports said play means can be "rock on a rocking fulcrum". Furthermore, it is unclear as to what is "rock on a rocking fulcrum"?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ogama, US patent (5,682,364).

Regarding claim 1, Ogama teaches a disk player [fig 1] for holding a plurality of disks [CDS] at disk standby positions in a casing [51, so that a disk [CD] selected from

said plurality of disks [CDS in magazine 1, fig 8] is transferred to a disk playing position [open position of 58] in said casing and is reproduced (see col. 11 lines 8-19), comprising: a plurality of disk trays [30 see col. 43-45 and fig 8] stacked in a predetermined direction for receiving said plurality of disks [CDS] individually thereon (see fig 8); disk playing means [56, fig 1] for playing one of said plurality of disks [CDS] at said disk playing position to reproduce information recorded on said disk [Cd]; and a disk playing means supporting mechanism [fig 5] for supporting said disk playing means [56] movably in a predetermined direction (see col. 11 lines 31-47 and col. fig 10), wherein during a movement in which one of said disk trays [30] is being moved from said disk standby position to said disk playing position (see Col. 13 lines 43-64), said one of disk trays [CD] comes into engagement with said disk playing means [56] supporting mechanism [fig 5] to move said disk playing means [56] in said predetermined direction (see fig 5 and col.8 to col. 13 lines 57).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogama, US patent (5,682,364) in view of Abe et al, US patent (6,130,744).

Regarding claim 2, Ogama does not teach wherein said disk playing means supporting mechanism supports said playing means in said predetermined direction in a manner of rock on a rocking fulcrum.

Abe et al teach wherein said disk playing means supporting mechanism supports said playing means in said predetermined direction in a manner of rock on a rocking fulcrum (see col. 6 line 64 to col. 7 line 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the disk playing means supporting mechanism by Abe et al's disk playing means supporting mechanism because the modification would improve the disk player of Ogama to play either ROM or RAM disk (this motivation was suggested by Abe et al col. 4 lines 39-42).

Allowable Subject Matter

7. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, none of the prior art of record, according to 35 USC. 112, 6th paragraph, teaches a disk player comprising: elastic means (specification lines 3-8 page 9)

arranged adjacent said rocking fulcrum for generating a biasing force in a direction from said disk standby position to said disk playing position.

The prior art made of record and not relied upon

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lyman et al, US. Patent (5,777,957).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung Nguyen whose telephone number is (703) 305-9695. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and fax number is (703) 872-9314.

Dzung Nguyen

3/22/02

Allen Cao
ALLEN CAO
PRIMARY EXAMINER